

to  
BEAU FRIEDLANDER

#89

October 12, 1999

Dear Beau,

Concerning Jeffrey Miller's letter to me of 10/1/99: He states that Context "will take all reasonable good faith steps..." etc. But I have no idea what the phrase "reasonable good faith steps" means. The expression is so vague that I'm not sure it has any meaning at all. I think you will appreciate that my understanding of "reasonable good faith" in this context may be very different from yours.

Having discussed this matter with Quin Denvir and Judy Clarke, I propose that we make the following addendum to our contract:

The phrase, "Theodore J. Kaczynski's documents" shall refer to any documents that are covered by attorney-client privilege as between Theodore J. Kaczynski and any attorneys who have ever represented him, any work-product created by any attorneys who have ever represented him, and any documents seized by any law-enforcement agencies in a search of Theodore J. Kaczynski's home.

In the event of any lawsuit resulting from the publication of Truth versus Lies, if any party to the suit makes a legal effort to obtain access to any part of Theodore J. Kaczynski's documents, other than those parts of such documents that are quoted or specifically cited in Truth versus Lies, then

Simulacrum, Inc.<sup>1</sup> agrees to pay all fees of such legal counsel as Kaczynski may select for the purpose of resisting the aforesaid efforts to obtain access to parts of Theodore J. Kaczynski's documents.

Moreover, if Simulacrum, Inc. should receive notice of any lawsuit connected with Truth versus Lies, it will immediately forward a copy of such notice to Kaczynski by express mail. Kaczynski will then be entitled to retain an attorney who will prepare to resist any efforts that may thereafter be made to obtain access to parts of Kaczynski's documents as described above, and Simulacrum, Inc. will promptly pay this attorney's retainer, and will be responsible for payment of all his fees, even if it should turn out that no efforts are ever made to obtain access to any parts of Kaczynski's documents.

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The reason for the provision in the last paragraph is this: If there is a lawsuit, and if a subpoena is issued for some of my documents, it may take me a while to find an attorney who will resist the subpoena for me. The court may not be willing to wait for a couple of months while I look

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1. This is the correct name of your company, right?

for an attorney; it may insist on prompt enforcement of the subpoena. So I should have an attorney who is ready to step in immediately to resist the subpoena. Your attorneys won't do for this purpose, since there may be conflict of interest.

By the way, I want to mention that Quin Denvir and Judy Clarke do not feel comfortable discussing these issues with Jeffrey Miller, because they are not formally representing me in this civil matter but are only advising me about it privately and informally. I had suggested that you and your lawyers should directly contact Denvir and Clarke mainly just to save time, since it's time-consuming for me to learn of problems from you, write to Denvir and Clarke about them, wait for their answer, and then get back to you.

But I think Denvir and Clarke would be happier if your lawyers would refrain from discussing our issues with them directly. However, it would be helpful if, whenever you or your lawyers send me a letter bearing on our legal problems, you would send a copy to Denvir simultaneously. This procedure would help to save time, and I don't think that Denvir or Clarke would object to it.

I expect to write you another letter quite soon.

Best regards,

Ted

cc: Quin Denvir